

Appl. No. 10/806,926
Amdt. Dated May 24, 2005
Reply to Office Action of May 18, 2005

REMARKS

This is in response to the Office Action and Notice of Non-Compliant Amendment dated May 18, 2005. Applicant has amended claim 1 and added new claims 21 and 22. In view of these remarks Applicant believes the application should be allowed.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Groenenberg Patent No. 6,277,059 ("Groenenberg"). Applicant traverses this rejection because Groenenberg fails to teach each of the elements of claim 1. Claim 1 requires an input table attached to the housing for feeding paper sheets into the housing for processing the paper sheets according to the position of the adjustment bar, a stacking table attached to the housing for receiving the processed paper sheets exiting the housing, and a stacking arm attached to the housing adjacent the stacking table, the stacking arm having a roller for assisting in stacking of the processed paper sheets exiting the housing. Claim 1 also requires a mechanical link connecting the stacking arm to the adjustment bar and the mechanical link providing for adjustment of the stacking arm relative to the type of fold provided by the fold plate.

Groenenberg fails to disclose each of the elements of claim 1. Groenenberg discloses rollers 42 and a stationary shaft 43 which are part of a transport roller system 33 as depicted in Fig. 4. This transport roller system 33, stationary shaft 43 and rollers 42 are not attached to the housing adjacent a stacking table. Nor do these components assist in stacking of paper sheets exiting the housing. Groenenberg discloses that this transport roller system is "for supplying the sheets for collection to the collection tray." (Col. 4, lines 36-38.) The collection tray 10 is the area where the sheets of the machine for Groenenberg begin their processing. As shown in Fig. 1, the collecting tray 10 is not near the delivery station 8.

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Groenenberg discloses that sheets are first received in the collection tray 10, then processed by the folding and creasing device 9, pressed flat in the creasing station 12 and "then delivered to the delivery station 8." (Col. 2, lines 50-59). Thus, Groenenberg fails to disclose that the roller 42 or stationary shaft 43 assist in stacking of processed paper sheets exiting the housing. In fact, Groenenberg teaches away, because the sheets are entering the machine at roller 42. As well, neither the roller 42 nor stationary shaft 43 are a "stacking arm", as required by claim 1.

Furthermore, there is no mechanical link depicted in Groenenberg that connects the stacking arm to the adjustment bar and the mechanical link providing for adjustment of the stacking arm relative to the type of fold provided by the fold plate as required by claim 1. In fact, Goenenberg fails to teach any mechanical links, as its means of adjusting components is via motors (Col. 3, line 51) and electronic sensors (Col. 5, line 41). Therefore, Groenenberg fails to disclose each of the elements of claim 1 and therefore the rejection under §102 is improper and Applicant respectfully requests that it be withdrawn.

Claim 11 was rejected under 35 U.S.C. §102(b) as anticipated by or in the alternative under 35 U.S.C. §103(a) as obvious over Groenenberg. Claim 11 depends from claim 1 and includes all the limitations thereof. As discussed above, claim 1 is not anticipated by Groenenberg. As well, Groenenberg fails to suggest to one of ordinary skill in the art all the elements of claim 1. Therefore, for all the reasons discussed above for claim 1; claim 11 is also allowable over Groenenberg.

Applicant has inserted new claims 21-22. Applicant believes that none of the cited art teaches or suggests these claims and they are in condition for allowance.

Appl. No. 10/806,926
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Applicant respectfully requests that a Notice of Allowance for claims 1-11 and 21-22 be issued in this case.

Respectfully submitted,

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By 



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/19/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officefive.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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